

AMENDED IN ASSEMBLY AUGUST 28, 2013

AMENDED IN ASSEMBLY AUGUST 14, 2013

AMENDED IN ASSEMBLY AUGUST 6, 2013

AMENDED IN SENATE MAY 15, 2013

AMENDED IN SENATE APRIL 22, 2013

AMENDED IN SENATE MARCH 14, 2013

SENATE BILL

No. 3

Introduced by Senators Yee and Lieu
(Coauthors: Assembly Members Pan and Ting)

December 3, 2012

An act to amend Sections 84100, 84101, 84200.6, 84203, 84203.3, 84204, 84220, 84300, 84602, 84605, and 91013 of, to amend and renumber Sections 82036 and 82036.5 of, and to add Section 84620 to, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 3, as amended, Yee. Political Reform Act of 1974.

(1) Existing law, the Political Reform Act of 1974, provides for the comprehensive regulation of campaign financing, including requiring the reporting of campaign contributions and expenditures, as defined, and imposing other reporting and recordkeeping requirements on campaign committees, as defined. The act requires the Secretary of State, in consultation with the Fair Political Practices Commission, to develop online and electronic filing processes for specified entities. A violation of the act's provisions is punishable as a misdemeanor.

This bill would revise the terms “late contribution” and “late independent expenditure,” as defined in the act, to “election-cycle contribution” and “election-cycle independent expenditure,” respectively, and would make conforming changes.

The bill would also increase the fines and penalties imposed for campaign statements and reports that are filed late.

This bill would declare the intent of the Legislature that the Secretary of State develop a single, statewide electronic filing system that consolidates the filing of all campaign committee statements and reports and all lobbyist, lobbying firm, and lobbyist employer reports. This bill would also require the Secretary of State to develop a feasibility study report for the electronic filing system by December 31, 2014, as specified.

(2) The act requires each committee to have a designated treasurer who is identified in the statement of organization. A committee may not make an expenditure without the authorization of the treasurer.

This bill would require a treasurer to complete an online training course, designed and administered by the Commission, that addresses the statutes and regulations governing the financing of campaigns and the duties and responsibilities of a treasurer within 20 business days after being designated as the treasurer.

(3) By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 82036 of the Government Code is
2 amended and renumbered to read:

1 82022.5. “Election-cycle contribution” means any of the
2 following:

3 (a) A contribution, including a loan, that totals in the aggregate
4 one thousand dollars (\$1,000) or more and is made to or received
5 by a candidate, a controlled committee, or a committee formed or
6 existing primarily to support or oppose a candidate or measure
7 within 90 days before the date of the election at which the candidate
8 or measure is to be voted on. For purposes of the Board of
9 Administration of the Public Employees’ Retirement System and
10 the Teachers’ Retirement Board, “the date of the election” is the
11 deadline to return ballots.

12 (b) A contribution, including a loan, that totals in the aggregate
13 one thousand dollars (\$1,000) or more and is made to or received
14 by a political party committee, as defined in Section 85205, within
15 90 days before the date of a state election.

16 SEC. 2. Section 82036.5 of the Government Code is amended
17 and renumbered to read:

18 82022.7. “Election-cycle independent expenditure” means an
19 independent expenditure that totals in the aggregate one thousand
20 dollars (\$1,000) or more and is made for or against a specific
21 candidate or measure involved in an election within 90 days before
22 the date of the election. For purposes of the Board of
23 Administration of the Public Employees’ Retirement System and
24 the Teachers’ Retirement Board, “the date of the election” is the
25 deadline to return ballots.

26 SEC. 3. Section 84100 of the Government Code is amended
27 to read:

28 84100. (a) Every committee shall have a treasurer. No
29 expenditure shall be made by or on behalf of a committee without
30 the authorization of the treasurer or that of his or her designated
31 agents. No contribution or expenditure shall be accepted or made
32 by or on behalf of a committee at a time when there is a vacancy
33 in the office of treasurer.

34 (b) (1) Prior to being designated as a treasurer pursuant to
35 Section 84102 or 84103, or not later than 20 business days after
36 that designation, a treasurer shall complete an online training
37 course, designed and administered by the Commission, that
38 addresses the statutes and regulations governing the financing of
39 campaigns, and the duties and responsibilities of a treasurer, under
40 this title. The course shall require each applicant for training to

1 verify, under penalty of perjury, his or her identity by means of
2 an identifier determined by the Commission.

3 (2) The Commission may charge each applicant for training
4 pursuant to this subdivision a fee not to exceed fifty dollars (\$50).

5 (3) A treasurer shall participate in training pursuant to this
6 subdivision every two years.

7 (4) The Commission shall maintain on its Internet Web site a
8 list of treasurers who have completed training pursuant to this
9 subdivision.

10 (5) Prior to developing the online training course, the
11 Commission shall coordinate with one or more other state agencies
12 or departments, including, but not limited to, the Department of
13 Technology, to identify any existing online training and
14 certification courses that may be converted and utilized for the
15 purposes of this section. The Commission shall complete
16 development of the online training course no later than ~~December~~
17 ~~31, 2014.~~ *June 30, 2015.*

18 (6) Treasurers shall be subject to the online training course
19 requirements imposed by this subdivision 30 days after the
20 Commission has certified an online training course, but in no event
21 sooner than ~~January 1~~ *July 1, 2015.*

22 (c) A treasurer who is required to complete the online training
23 course shall be fined no more than five hundred dollars (\$500) if
24 he or she fails to complete that course, as required by subdivision
25 (b).

26 (d) *The Commission shall have no liability with respect to a*
27 *violation of this title by a treasurer that has completed the training*
28 *required by this section or by a committee that has designated that*
29 *person as its treasurer pursuant to Section 84102 or 84103.*

30 SEC. 4. Section 84101 of the Government Code is amended
31 to read:

32 84101. (a) A committee that is a committee by virtue of
33 subdivision (a) of Section 82013 shall file a statement of
34 organization. The committee shall file the original of the statement
35 of organization with the Secretary of State and shall also file a
36 copy of the statement of organization with the local filing officer,
37 if any, with whom the committee is required to file the originals
38 of its campaign reports pursuant to Section 84215. The original
39 and copy of the statement of organization shall be filed within 10
40 days after the committee has qualified as a committee. The

1 Secretary of State shall assign a number to each committee that
2 files a statement of organization and shall notify the committee of
3 the number. The Secretary of State shall send a copy of statements
4 filed pursuant to this section to the county elections official of each
5 county that he or she deems appropriate. A county elections official
6 who receives a copy of a statement of organization from the
7 Secretary of State pursuant to this section shall send a copy of the
8 statement to the clerk of each city in the county that he or she
9 deems appropriate.

10 (b) In addition to filing the statement of organization as required
11 by subdivision (a), if a committee qualifies as a committee under
12 subdivision (a) of Section 82013 before the date of an election in
13 connection with which the committee is required to file preelection
14 statements, but after the closing date of the last campaign statement
15 required to be filed before the election pursuant to Section 84200.7,
16 84200.8, or 84200.9, the committee shall file, by facsimile
17 transmission, guaranteed overnight delivery, or personal delivery
18 within 24 hours of qualifying as a committee, the information
19 required to be reported in the statement of organization. The
20 information required by this subdivision shall be filed with the
21 filing officer with whom the committee is required to file the
22 originals of its campaign reports pursuant to Section 84215.

23 (c) If an independent expenditure committee qualifies as a
24 committee pursuant to subdivision (a) of Section 82013 during the
25 time period described in Section 82022.7 and makes independent
26 expenditures of one thousand dollars (\$1,000) or more to support
27 or oppose a candidate or candidates for office, the committee shall
28 file, by facsimile transmission, online transmission, guaranteed
29 overnight delivery, or personal delivery within 24 hours of
30 qualifying as a committee, the information required to be reported
31 in the statement of organization. The information required by this
32 section shall be filed with the filing officer with whom the
33 committee is required to file the original of its campaign reports
34 pursuant to Section 84215, and shall be filed at all locations
35 required for the candidate or candidates supported or opposed by
36 the independent expenditures. The filings required by this section
37 are in addition to filings that may be required by Sections 84203.5
38 and 84204.

39 (d) For purposes of this section, in calculating whether one
40 thousand dollars (\$1,000) in contributions has been received,

1 payments for a filing fee or for a statement of qualifications to
2 appear in a sample ballot shall not be included if these payments
3 have been made from the candidate's personal funds.

4 SEC. 5. Section 84200.6 of the Government Code is amended
5 to read:

6 84200.6. In addition to the campaign statements required by
7 Sections 84200 and 84200.5, all candidates and committees shall
8 file the following special statements and reports:

9 (a) Supplemental preelection statements when required by
10 Section 84202.5.

11 (b) Election-cycle contribution reports when required by Section
12 84203.

13 (c) Independent expenditure reports when required by Section
14 84203.5.

15 (d) Election-cycle independent expenditure reports when
16 required by Section 84204.

17 SEC. 6. Section 84203 of the Government Code is amended
18 to read:

19 84203. (a) Each candidate or committee that makes or receives
20 an election-cycle contribution, as defined in Section 82022.5, shall
21 report the election-cycle contribution to each office with which
22 the candidate or committee is required to file its next campaign
23 statement pursuant to Section 84215. The candidate or committee
24 that makes the election-cycle contribution shall report his or her
25 full name and street address and the full name and street address
26 of the person to whom the election-cycle contribution has been
27 made, the office sought if the recipient is a candidate, or the ballot
28 measure number or letter if the recipient is a committee primarily
29 formed to support or oppose a ballot measure, and the date and
30 amount of the election-cycle contribution. The recipient of the
31 election-cycle contribution shall report his or her full name and
32 street address, the date and amount of the election-cycle
33 contribution, and whether the contribution was made in the form
34 of a loan. The recipient shall also report the full name of the
35 contributor, his or her street address, occupation, and the name of
36 his or her employer, or if self-employed, the name of the business.

37 (b) An election-cycle contribution shall be reported by facsimile
38 transmission, guaranteed overnight delivery, or personal delivery
39 within 24 hours of the time it is made in the case of the candidate
40 or committee that makes the contribution and within 24 hours of

1 the time it is received in the case of the recipient. If an
2 election-cycle contribution is required to be reported to the
3 Secretary of State, the report to the Secretary of State shall be by
4 online or electronic transmission only. An election-cycle
5 contribution shall be reported on subsequent campaign statements
6 without regard to reports filed pursuant to this section.

7 (c) An election-cycle contribution need not be reported nor shall
8 it be deemed accepted if it is not cashed, negotiated, or deposited
9 and is returned to the contributor within 24 hours of its receipt.

10 (d) A report filed pursuant to this section shall be in addition to
11 any other campaign statement required to be filed by this chapter.

12 (e) The report required pursuant to this section is not required
13 to be filed by a candidate or committee that has disclosed the
14 election-cycle contribution pursuant to subdivision (a) or (b) of
15 Section 85309.

16 SEC. 7. Section 84203.3 of the Government Code is amended
17 to read:

18 84203.3. (a) Any candidate or committee that makes an
19 election-cycle contribution that is a nonmonetary contribution shall
20 notify the recipient in writing of the value of the nonmonetary
21 contribution. The notice shall be received by the recipient within
22 24 hours of the time the contribution is made.

23 (b) Nothing in this section shall relieve a candidate or committee
24 that makes an election-cycle nonmonetary contribution or the
25 recipient of an election-cycle nonmonetary contribution from the
26 requirement to file election-cycle contribution reports pursuant to
27 Section 84203. However, a report filed by the recipient of an
28 election-cycle nonmonetary contribution shall be deemed timely
29 filed if it is received by the filing officer within 48 hours of the
30 time the contribution is received.

31 SEC. 8. Section 84204 of the Government Code is amended
32 to read:

33 84204. (a) A committee that makes an election-cycle
34 independent expenditure, as defined in Section 82022.7, shall
35 report the election-cycle independent expenditure by facsimile
36 transmission, guaranteed overnight delivery, or personal delivery
37 within 24 hours of the time it is made. If an election-cycle
38 independent expenditure is required to be reported to the Secretary
39 of State, the report to the Secretary of State shall be by online or
40 electronic transmission only. An election-cycle independent

1 expenditure shall be reported on subsequent campaign statements
2 without regard to reports filed pursuant to this section.

3 (b) A committee that makes an election-cycle independent
4 expenditure shall report its full name and street address, as well
5 as the name, office, and district of the candidate if the report is
6 related to a candidate, or if the report is related to a measure, the
7 number or letter of the measure, the jurisdiction in which the
8 measure is to be voted upon, and the amount and the date, as well
9 as a description of goods or services for which the election-cycle
10 independent expenditure was made. In addition to the information
11 required by this subdivision, a committee that makes an
12 election-cycle independent expenditure shall include with its
13 election-cycle independent expenditure report the information
14 required by paragraphs (1) to (5), inclusive, of subdivision (f) of
15 Section 84211, covering the period from the day after the closing
16 date of the last campaign report filed to the date of the
17 election-cycle independent expenditure, or if the committee has
18 not previously filed a campaign statement, covering the period
19 from the previous January 1 to the date of the election-cycle
20 independent expenditure. No information required by paragraphs
21 (1) to (5), inclusive, of subdivision (f) of Section 84211 that is
22 required to be reported with an election-cycle independent
23 expenditure report by this subdivision is required to be reported
24 on more than one election-cycle independent expenditure report.

25 (c) A committee that makes an election-cycle independent
26 expenditure shall file an election-cycle independent expenditure
27 report in the places where it would be required to file campaign
28 statements under this article as if it were formed or existing
29 primarily to support or oppose the candidate or measure for or
30 against which it is making the election-cycle independent
31 expenditure.

32 (d) A report filed pursuant to this section shall be in addition to
33 any other campaign statement required to be filed by this article.

34 (e) Expenditures that have been disclosed by candidates and
35 committees pursuant to Section 85500 are not required to be
36 disclosed pursuant to this section.

37 SEC. 9. Section 84220 of the Government Code is amended
38 to read:

39 84220. If a slate mailer organization receives a payment of two
40 thousand five hundred dollars (\$2,500) or more for purposes of

1 supporting or opposing any candidate or ballot measure in a slate
2 mailer, and the payment is received at a time when, if the payment
3 were a contribution it would be considered an election-cycle
4 contribution, then the slate mailer organization shall report the
5 payment in the manner set forth in Section 84203 for candidates
6 and committees when reporting election-cycle contributions
7 received. The slate mailer organization shall, in addition to
8 reporting the information required by Section 84203, identify the
9 candidates or measures whose support or opposition is being paid
10 for, in whole or in part, by each election-cycle payment.

11 SEC. 10. Section 84300 of the Government Code is amended
12 to read:

13 84300. (a) No contribution of one hundred dollars (\$100) or
14 more shall be made or received in cash.

15 A cash contribution shall not be deemed received if it is not
16 negotiated or deposited and is returned to the contributor before
17 the closing date of the campaign statement on which the
18 contribution would otherwise be reported. If a cash contribution,
19 other than an election-cycle contribution, as defined in Section
20 82022.5, is negotiated or deposited, it shall not be deemed received
21 if it is refunded within 72 hours of receipt. In the case of an
22 election-cycle contribution, as defined in Section 82022.5, it shall
23 not be deemed received if it is returned to the contributor within
24 48 hours of receipt.

25 (b) No expenditure of one hundred dollars (\$100) or more shall
26 be made in cash.

27 (c) No contribution of one hundred dollars (\$100) or more other
28 than an in-kind contribution shall be made unless in the form of a
29 written instrument containing the name of the donor and the name
30 of the payee and drawn from the account of the donor or the
31 intermediary, as defined in Section 84302.

32 (d) The value of all in-kind contributions of one hundred dollars
33 (\$100) or more shall be reported in writing to the recipient upon
34 the request in writing of the recipient.

35 SEC. 11. Section 84602 of the Government Code is amended
36 to read:

37 84602. To implement the Legislature's intent, the Secretary of
38 State, in consultation with the Commission, notwithstanding any
39 other provision of this code, shall do all of the following:

(a) Develop online and electronic filing processes for use by persons and entities specified in Section 84605 that are required to file statements and reports with the Secretary of State's office pursuant to Chapter 4 (commencing with Section 84100) and Chapter 6 (commencing with Section 86100). Those processes shall each enable a user to comply with all the disclosure requirements of this title and shall include, at a minimum, the following:

(1) A means or method whereby filers subject to this chapter may submit required filings free of charge. Any means or method developed pursuant to this provision shall not provide any additional or enhanced functions or services that exceed the minimum requirements necessary to fulfill the disclosure provisions of this title. At least one means or method shall be made available no later than December 31, 2002.

(2) The definition of a nonproprietary standardized record format or formats using industry standards for the transmission of the data that is required of those persons and entities specified in Section 84605 and that conforms with the disclosure requirements of this title. The Secretary of State shall hold public hearings prior to development of the record format or formats as a means to ensure that affected entities have an opportunity to provide input into the development process. The format or formats shall be made public no later than July 1, 1999, to ensure sufficient time to comply with this chapter.

(b) Accept test files from software vendors and others wishing to file reports electronically, for the purpose of determining whether the file format is in compliance with the standardized record format developed pursuant to subdivision (a) and is compatible with the Secretary of State's system for receiving the data. A list of the software and service providers who have submitted acceptable test files shall be published by the Secretary of State and made available to the public. Acceptably formatted files shall be submitted by a filer in order to meet the requirements of this chapter.

(c) Develop a system that provides for the online or electronic transfer of the data specified in this section utilizing telecommunications technology that ensures the integrity of the data transmitted and that creates safeguards against efforts to tamper with or subvert the data.

1 (d) Make all the data filed available on the Internet in an easily
2 understood format that provides the greatest public access. The
3 data shall be made available free of charge and as soon as possible
4 after receipt. All election-cycle contribution and election-cycle
5 independent expenditure reports, as defined by Sections 84203
6 and 84204, respectively, shall be made available on the Internet
7 within 24 hours of receipt. The data made available on the Internet
8 shall not contain the street name and building number of the
9 persons or entity representatives listed on the electronically filed
10 forms or any bank account number required to be disclosed
11 pursuant to this title.

12 (e) Develop a procedure for filers to comply with the
13 requirement that they sign under penalty of perjury pursuant to
14 Section 81004.

15 (f) Maintain all filed data online for 10 years after the date it is
16 filed, and then archive the information in a secure format.

17 (g) Provide assistance to those seeking public access to the
18 information.

19 (h) Implement sufficient technology to seek to prevent
20 unauthorized alteration or manipulation of the data.

21 (i) Provide the Commission with necessary information to enable
22 it to assist agencies, public officials, and others with the compliance
23 with and administration of this title.

24 (j) Report to the Legislature on the implementation and
25 development of the online and electronic filing and disclosure
26 requirements of this chapter. The report shall include an
27 examination of system security, private security issues, software
28 availability, compliance costs to filers, use of the filing system and
29 software provided by the Secretary of State, and other issues
30 relating to this chapter, and shall recommend appropriate changes
31 if necessary. In preparing the report, the Commission may present
32 to the Secretary of State and the Legislature its comments regarding
33 this chapter as it relates to the duties of the Commission and
34 suggest appropriate changes if necessary. There shall be one report
35 due before the system is operational as set forth in Section 84603,
36 one report due no later than June 1, 2002, and one report due no
37 later than January 31, 2003.

38 (k) Review the current filing and disclosure requirements of
39 this chapter and report to the Legislature, no later than June 1,

1 2005, recommendations on revising these requirements so as to
2 promote greater reliance on electronic and online submissions.

3 SEC. 12. Section 84605 of the Government Code is amended
4 to read:

5 84605. (a) The following persons shall file online or
6 electronically with the Secretary of State:

7 (1) Any candidate, including superior court, appellate court,
8 and Supreme Court candidates and officeholders, committee, or
9 other persons who are required, pursuant to Chapter 4 (commencing
10 with Section 84100), to file statements, reports, or other documents
11 in connection with a state elective office or state measure, provided
12 that the total cumulative reportable amount of contributions
13 received, expenditures made, loans made, or loans received is
14 twenty-five thousand dollars (\$25,000) or more. In determining
15 the cumulative reportable amount, all controlled committees, as
16 defined by Section 82016, shall be included. For a committee
17 subject to this title prior to January 1, 2000, the beginning date for
18 calculating cumulative totals is January 1, 2000. For a committee
19 that is first subject to this title on or after January 1, 2000, the
20 beginning date for calculating cumulative totals is the date the
21 committee is first subject to this title. A committee, as defined in
22 subdivision (c) of Section 82013, shall file online or electronically
23 if it makes contributions of twenty-five thousand dollars (\$25,000)
24 or more in a calendar year.

25 (2) Any general purpose committees, as defined in Section
26 82027.5, including the general purpose committees of political
27 parties, and small contributor committees, as defined in Section
28 85203, that cumulatively receive contributions or make
29 expenditures totaling twenty-five thousand dollars (\$25,000) or
30 more to support or oppose candidates for any elective state office
31 or state measure. For a committee subject to this title prior to
32 January 1, 2000, the beginning date for calculating cumulative
33 totals is January 1, 2000. For a committee that first is subject to
34 this title on or after January 1, 2000, the beginning date for
35 calculating cumulative totals is the date the committee is first
36 subject to this title.

37 (3) Any slate mailer organization with cumulative reportable
38 payments received or made for the purposes of producing slate
39 mailers of twenty-five thousand dollars (\$25,000) or more. For a
40 slate mailer organization subject to this title prior to January 1,

1 2000, the beginning date for calculating cumulative totals is
2 January 1, 2000. For a slate mailer organization that first is subject
3 to this title on or after January 1, 2000, the beginning date for
4 calculating cumulative totals is the date the organization is first
5 subject to this title.

6 (4) Any lobbyist, lobbying firm, lobbyist employer, or other
7 persons required, pursuant to Chapter 6 (commencing with Section
8 86100), to file statements, reports, or other documents, provided
9 that the total amount of any category of reportable payments,
10 expenses, contributions, gifts, or other items is two thousand five
11 hundred dollars (\$2,500) or more in a calendar quarter.

12 (b) The Secretary of State shall also disclose on the Internet any
13 election-cycle contribution or election-cycle independent
14 expenditure report, as defined by Sections 84203 and 84204,
15 respectively, not covered by paragraph (1), (2), or (3) of subdivision
16 (a) or any other provision of law.

17 (c) Committees and other persons that are not required to file
18 online or electronically by this section may do so voluntarily.

19 (d) Once a person or entity is required to file online or
20 electronically, subject to subdivision (a) or (c), the person or entity
21 shall be required to file all subsequent reports online or
22 electronically.

23 (e) It shall be presumed that online or electronic filers file under
24 penalty of perjury.

25 (f) Persons filing online or electronically shall also continue to
26 file required disclosure statements and reports in paper format.
27 The paper copy shall continue to be the official filing for audit and
28 other legal purposes until the Secretary of State, pursuant to Section
29 84606, determines the system is operating securely and effectively.

30 (g) The Secretary of State shall maintain at all times a secured,
31 official version of all original online and electronically filed
32 statements and reports required by this chapter. Upon determination
33 by the Secretary of State, pursuant to Section 84606, that the
34 system is operating securely and effectively, this online or
35 electronic version shall be the official version for audit and other
36 legal purposes.

37 (h) Except for statements related to a local elective office or a
38 local ballot measure filed by a candidate for local elective office
39 who is also a candidate for elective state office, a copy of a
40 statement, report, or other document filed by online or electronic

1 means with the Secretary of State shall not be filed with a local
2 filing officer.

3 SEC. 13. Section 84620 is added to the Government Code, to
4 read:

5 84620. (a) It is the intent of the Legislature that the Secretary
6 of State develop a statewide electronic filing system that provides
7 for all of the following:

8 (1) Electronic filing of committee organization statements.

9 (2) Electronic filing of lobbyist, lobbying firm, and lobbyist
10 employer registrations.

11 (3) Electronic filing of campaign statements by all state
12 committees, without regard to the amounts of contributions and
13 expenditures.

14 (4) Electronic filing of periodic reports filed by lobbyists,
15 lobbying firms, and lobbyist employers.

16 (5) Electronic filing of reports by all major donors at the state
17 level when specified thresholds are met.

18 (6) A statewide, Internet-accessible system that provides for
19 search capabilities that are data driven and user-friendly for all
20 members of the public.

21 (7) A system that provides for lobbying and committee data to
22 be made regularly available to the public in raw, machine-readable
23 data format.

24 (b) Not later than December 31, 2014, the Secretary of State
25 shall develop a feasibility study report that will outline the
26 technology requirements and the costs of the electronic filing
27 system. The Secretary of State shall consult and coordinate with
28 other state agencies that he or she deems appropriate, including,
29 but not limited to, the Commission, with respect to data
30 transitioning. The report shall include an examination of the
31 feasibility of establishing a statewide electronic filing system that
32 permits state-required committee disclosure forms and reports to
33 be imported into the statewide database, according to data standards
34 established by the Secretary of State, from each local jurisdiction
35 that has its own electronic filing system.

36 SEC. 14. Section 91013 of the Government Code is amended
37 to read:

38 91013. (a) If a person files an original statement or report after
39 the applicable deadline imposed by this title, he or she shall, in
40 addition to any other penalties or remedies established by this title,

1 be liable in the amount of thirty dollars (\$30) per day after the
2 deadline until the statement or report is filed, to the officer with
3 whom the statement or report is required to be filed. Liability need
4 not be enforced by the filing officer if, on an impartial basis, he
5 or she determines that the late filing was not willful and that
6 enforcement of the liability will not further the purposes of this
7 title, except that no liability shall be waived if a statement or report
8 is not filed within 30 days for a statement of economic interest,
9 other than a candidate's statement filed pursuant to Section 87201,
10 5 days for a campaign statement required to be filed 12 days before
11 an election, and 10 days for all other statements or reports, after
12 the filing officer has sent specific written notice of the filing
13 requirement.

14 (b) If a person files a copy of a statement or report after the
15 applicable deadline imposed by this title, he or she shall, in addition
16 to any other penalties or remedies established by this title, be liable
17 in the amount of thirty dollars (\$30) per day, starting 10 days, or
18 5 days in the case of a campaign statement required to be filed 12
19 days before an election, after the filing officer has sent specific
20 written notice of the filing requirement and until the statement or
21 report is filed.

22 (c) For purposes of this section, a campaign statement or report
23 filed on behalf of a committee shall be deemed filed even if the
24 treasurer does not have a current certification pursuant to Section
25 84100.

26 (d) (1) The filing officer shall deposit any funds received under
27 this section into the general fund of the jurisdiction of which he
28 or she is an officer.

29 (2) Notwithstanding paragraph (1), if the Secretary of State is
30 the filing officer, he or she shall deposit two-thirds of any funds
31 received under this section into the Political Disclosure,
32 Accountability, Transparency, and Access Fund, and deposit the
33 remainder of those funds into the General Fund.

34 (3) Liability under this section shall not exceed 150 percent of
35 the cumulative amount stated in the late statement or report, or
36 one thousand dollars (\$1,000), whichever is greater.

37 SEC. 15. No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 the only costs that may be incurred by a local agency or school
40 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

6 SEC. 16. The Legislature finds and declares that this bill
7 furthers the purposes of the Political Reform Act of 1974 within
8 the meaning of subdivision (a) of Section 81012 of the Government
9 Code.

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